

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Michael King	Team: Team # 4	CCRB Case #: 200208001	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 11/13/2002 2:00 PM	Location of Incident: 159 E. 116th Street in Manhattan	Precinct: 25	18 Mo. SOL 5/13/2004	EO SOL 5/13/2004	
Date/Time CV Reported Wed, 11/27/2002 1:00 PM	CV Reported At: Precinct	How CV Reported: In-person	Date/Time Received at CCRB Wed, 11/27/2002 1:36 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. LT Elias Nikas	00000	902105	D C P I

Officer(s)	Allegation	Investigator Recommendation
A.LT Elias Nikas	Abuse: Lt. Elias Nikas threatened to arrest § 87(2)(b) [REDACTED]	
B.LT Elias Nikas	Abuse: Lt. Elias Nikas threatened to forcibly remove the press credentials of § 87(2)(b) [REDACTED] § 87(2)(b) [REDACTED] and the staff of § 87(2)(b) [REDACTED]	

Synopsis

The complainant in this case – § 87(2)(b) § 87(2)(b) the executive editor of § 87(2)(b) (the § 87(2)(b) – filed his complaint in person at the 25th Precinct on November 27th, 2002; the complaint was then forwarded to the CCRB via telephone by Sgt. Jose Torres of the 25th Precinct. § 87(2)(b) § 87(2)(b) obtained an NYPD press identification card for his friend and freelance writer for § 87(2)(b) § 87(2)(b) who currently works as an § 87(2)(b) for the § 87(2)(b) of the § 87(2)(b). The City's Department of Investigation (DOI) conducted an investigation into § 87(2)(b) and notified the NYPD Deputy Commissioner of Public Information office (DCPI) that false information was provided on § 87(2)(b) press credential application. On November 13th, 2002, Lt. Elias Nikas of DCPI contacted the office of § 87(2)(b) and spoke to § 87(2)(b) to inform him that the press identification cards issued to § 87(2)(b) were voided as a result of DOI's findings. § 87(2)(b) § 87(2)(b) alleged that Lt. Nikas threatened to arrest § 87(2)(b) though the lieutenant denied this. § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) published three articles in § 87(2)(b) throughout the months of November, December, and January that detailed this incident. There was also an article published about the incident in the November 23-24th edition of § 87(2)(b). As a result, this case has been appearing on the Agency's sensitive case list.

Summary of Complaint

§ 87(2)(b) initial complaint that he filed at the 25th Precinct alleged that on November 13th, 2002, Lt. Elias Nikas of the Deputy Commissioner of Public Information contacted him via telephone and threatened to arrest the entire staff of his newspaper, § 87(2)(b). Additionally, the lieutenant also threatened to forcibly remove all of the press identification cards from staff. An editorial published in the § 87(2)(b) of § 87(2)(b) reiterated these allegations (Enclosure 4-4a). In § 87(2)(b) initial phone statement with the undersigned on December 3rd, 2002 (Enclosure 4b-4c), he indicated that, Lt. Nikas first demanded from § 87(2)(b) his press identification card and then threatened to arrest everyone at the newspaper (as told to him by § 87(2)(b) then threatened § 87(2)(b) a § 87(2)(b) with arrest as well as anybody else at the newspaper regarding the press identification cards (as told to § 87(2)(b) by § 87(2)(b) and finally, threatened § 87(2)(b) via telephone with arrest and the removal of all of the press identification cards at § 87(2)(b). All of these alleged threats were made over the telephone.

In § 87(2)(b)'s sworn statement, which took place at his office located on the § 87(2)(b) of § 87(2)(b) on February 3, 2003 (Enclosure 4h-4j), § 87(2)(b) retracted his statement that Lt. Nikas threatened all of the staff with arrest over the issue of the press identification cards. Instead, § 87(2)(b) claimed that Lt. Nikas solely threatened to arrest § 87(2)(b) – one of the writers for § 87(2)(b) – who was not a participant in the phone call. § 87(2)(b) also claimed that the lieutenant threatened to “rip the press identification cards off (the employees’) necks.” § 87(2)(b) claimed that the tone of the conversation was “elevated” and admitted that he grew upset. According to § 87(2)(b) during his sworn statement, the lieutenant first spoke to § 87(2)(b) and then spoke to § 87(2)(b) before speaking to him. In an article published in the January 2nd-8th edition of § 87(2)(b) (Enclosure 7g-7h), the newspaper indicated that the lieutenant first spoke to § 87(2)(b) and then spoke to § 87(2)(b). In this same article, § 87(2)(b) again claimed that Lt. Nikas threatened to arrest all of § 87(2)(b) *Hispana*'s staff.

Results of Investigation

During § 87(2)(b)'s phone statement, mediation was explained and offered to him, which he accepted. The case was forwarded to the CCRB Alternative Dispute Resolution staff on December 6th, 2002. On December 10th, 2002, ADR Director Raymond Patterson advised that the case

should continue in mediation after his conferral with ED Florence Finkle. The case was formally accepted by the ADR staff for mediation on December 13th, 2002. On January 2nd, 2003, the NYPD Disciplinary Assessment Unit accepted the case for mediation. On January 13th, 2003, the CCRB ADR Committee approved the case for mediation. On January 24th, 2003, Lt. Nikas rejected mediation and the case was returned to the investigation unit.

Prior to interviewing § 87(2)(b) on February 3rd, 2003, a sworn statement was obtained from § 87(2)(b) the § 87(2)(b) at the § 87(2)(b) located in Manhattan (Enclosure 4e-4g). § 87(2)(b) could not remember the name or rank of the individual with whom she spoke on the phone on November 13th, 2002, though she recalled that the person was a police officer and that the phone call was very brief (“a few minutes”). § 87(2)(b) indicated that she was the first to speak to the male caller, who demanded to speak to some of the writers who write for the newspaper that operates out of the building. § 87(2)(b) informed the man that he could not speak to the writers, as they did not work in the building and were not present. The man then spoke to her in a “very rude way,” telling § 87(2)(b) that he “had to speak to (the writers),” though she could elaborate no further on the alleged rudeness. § 87(2)(b) informed the man that he should speak to § 87(2)(b) as he was the editor and would be able to contact the people the man was asking for. The man responded by saying that he just needed to speak to the people he was asking for. The last person that the man asked for was § 87(2)(b). Since § 87(2)(b) was present at the office, § 87(2)(b) forwarded the call to § 87(2)(b). Once she forwarded the call, § 87(2)(b) had no further conversation with the person. § 87(2)(b) denied that the male threatened her at any point during the phone call; she indicated that she “just didn’t like the way he spoke to (me).” § 87(2)(b) also denied that the male threatened to arrest her or anyone else.

On February 11th, 2003, § 87(2)(b) was contacted via telephone and a statement was obtained from him (Enclosure 4k-4l). He indicated that on November 13th, 2002, the lieutenant did not threaten to arrest him or anyone. He also indicated that he felt the call was “menacing,” though he admitted that neither he nor the lieutenant raised their voices with one another and could not elaborate on the nature of the “menace.” § 87(2)(b) did not know the name of the individual at the time of the incident, though he knew after the fact having spoken to § 87(2)(b) that it was “a Lt. Nikas.” The only threat made was that the officer threatened to come to the offices and remove the press identification cards. § 87(2)(b) indicated that the phone call was very brief and could recall very few specifics of the call.

After supervisory conferral, it was decided that a formal statement was not necessary from § 87(2)(b) as he denied § 87(2)(b)’s claim that the subject officer threatened to arrest him or anyone at the newspaper, and he himself was not a witness to alleged police misconduct.

Officer Statement – Lt. Elias Nikas

Lt. Elias Nikas was interviewed at the CCRB on February 21st, 2003 (Enclosure 5-5b). Lt. Nikas indicated that after receiving a memo from the Department of Investigation regarding the status of a press identification card application filed on behalf of § 87(2)(b) he discussed the matter with his superior – Deputy Chief Michael Collins, Commanding Officer, DCPI – and then contacted the NYPD Legal Bureau in order to determine a course of action. On advice of the Legal Bureau, Lt. Nikas contacted § 87(2)(b) via telephone, but first spoke to an unidentified female who provided a phone number for the lieutenant to call in order to reach § 87(2)(b). Lt. Nikas then called that number and spoke to a different unidentified female, who then forwarded the call to § 87(2)(b). Lt. Nikas indicated that both of these calls were extremely brief and that at no point did he raise his voice; Lt. Nikas denied even having the opportunity to raise his voice. Upon reaching § 87(2)(b) the lieutenant informed § 87(2)(b) that the Press Identification Cards (PICs) were voided and that he would have to re-apply for the PICs. Lt. Nikas also indicated that they would need to discuss the findings of the DOI report. Lt. Nikas also informed § 87(2)(b) that he would not be able to renew his press identification cards until the false information provided on the applications, as discovered by the DOI investigation, was resolved. According to the lieutenant, § 87(2)(b) then complained at length regarding the DOI investigation; Lt. Nikas responded by informing § 87(2)(b) that he did not conduct the investigation. § 87(2)(b) requested to see the DOI case file, though Lt. Nikas informed him that he would have to contact DOI regarding that. § 87(2)(b) then asked to see DCPI’s information and the lieutenant informed him that he would need to file a formal request. § 87(2)(b) also reiterated his previous allegation that he knew of employees of other news agencies that receive cards without any legitimate application. Lt. Nikas responded, “that may be the case, but you need to present me

with that information; in the meantime, your cards are void.” § 87(2)(b) requested a formal letter indicating this and Lt. Nikas stated that he would send the letter. The conversation then ended.

Lt. Nikas denied threatening to arrest § 87(2)(b) regarding the press identification cards. He also denied threatening to rip off the necks of people any revoked or voided licenses. Lt. Nikas then elaborated: “that’s not the NYPD’s way of doing business. If you’re caught using them, we’ll let you know you’re not supposed to be using them. But we’re not going to get in a confrontation over getting them back. If you’re caught in a scene where you’re not supposed to be, that’s a different story. Then you face an arrest. But we’re not going to rip them off necks.” Lt. Nikas stated that § 87(2)(b) was the only male from the office with whom he spoke that day. He denied raising his voice with § 87(2)(b).

Conclusions and Recommendations

The facts of this case are the following. The NYC Department of Investigation (DOI) conducted an investigation into § 87(2)(b) a City employee of the § 87(2)(b). The investigation found that a false application for NYPD Press Identification Cards (PICs) was filed on behalf of § 87(2)(b) and DOI notified the NYPD Deputy Commissioner of Public Information (DCPI), which handles the authorization and distribution of press credentials. On November 13th, 2002, Lt. Nikas of DCPI contacted § 87(2)(b) and informed him that § 87(2)(b)’s press identification cards had been voided. § 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

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§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

Allegation A. Lt. Elias Nikas threatened to arrest § 87(2)(b)

Allegation B. Lt. Elias Nikas threatened to forcibly remove the press credentials of § 87(2)(b) and the staff of § 87(2)(b)

§ 87(2)(b) § 87(2)(b) alleged that Lt. Nikas threatened to arrest § 87(2)(b) for having a voided press identification card; he further alleged that Lt. Nikas threatened to “rip off their necks the press identification cards,” referring to the writers for § 87(2)(b). Lt. Nikas denied threatening to arrest § 87(2)(b) for any reason or threatening to confiscate the press identification cards. There were no other witnesses for these allegations, as they occurred over the telephone.

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

[REDACTED]

§ 87(2)(b), § 87(2)(g)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: